

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

JOSEPH L. DIEBOLD, JR., on behalf of )  
the EXXONMOBIL SAVINGS PLAN, )  
and all others similarly situated, )

Plaintiff, )

v. )

NORTHERN TRUST INVESTMENTS, )  
N.A., and THE NORTHERN TRUST )  
COMPANY, )

Defendants. )

No. 09 Civ. 1934

Hon. George W. Lindberg  
*Judge Presiding.*

**DEFENDANTS' MOTION TO DISMISS**

NOW COME defendants Northern Trust Investments, N.A. and The Northern Trust Company, by their attorneys, and hereby move to dismiss the complaint pursuant to Fed. R. Civ. P. Rule 12(b)(6) for failure to state a claim upon which relief can be granted and pursuant to Rule 12(b)(1) for lack of standing, as set forth more fully in the accompanying memorandum that defendants have filed today and which is incorporated herein.

WHEREFORE, defendants respectfully ask this Court to dismiss the amended complaint.

Respectfully submitted,

Dated: June 1, 2009

/s/Michele Odorizzi  
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